

UNITED STATES DISTRICT COURT

DISTRICT OF NEW HAMPSHIRE

Clearview Software
International, et al.

v.

Civil No. 07-cv-00405-JL

Christopher E. Ware

ORDER AFTER PRELIMINARY
PRETRIAL CONFERENCE

The Preliminary Pretrial Conference was held in chambers on **September 30, 2009.**

The Discovery Plan (document no. 32) is approved as submitted, with the following changes:

- "Threshold" motions - **January 2, 2010**
- DiBenedetto disclosure deadline - **February 1, 2010**
- Summary judgment deadline - **November 15, 2010**
- Trial - **March, 2011**

Based on the discussions between the court and counsel at the conference, the following affirmative defense is **stricken** without prejudice to being reinstated on request if warranted by the evidence: laches (¶93).

The plaintiff is ordered to produce to the defendant the settlement documents and filings in the matter of Clearview v. Blue Ivy, et al., (Hillsborough County Superior Court, Northern District, docket #06-C-834) including all cases consolidated therewith.

Summary Judgment. The parties and counsel are advised that compliance with Rule 56(e) and Local Rule 7.2(b), regarding evidentiary support for factual assertions, and specification and delineation of material issues of disputed fact, will be required.

Discovery disputes. Discovery disputes will be handled by the undersigned judge, as opposed to the Magistrate Judge, in the normal course. No motion to compel is necessary. The party or counsel seeking discovery-related relief should confer with adverse counsel to choose mutually available dates, and then contact the Deputy Clerk to schedule a conference call with the court. The court will inform counsel and parties what written materials, if any, should be submitted in advance of the conference call.

Customary motions to compel discovery, while disfavored by the undersigned judge, are nonetheless permissible. If counsel prefer traditional discovery litigation to the conference call procedure set forth above, any such motion to compel should

expressly request, in the title of the motion, a referral to the United States Magistrate Judge. Such referral requests will normally be granted.

SO ORDERED.

A handwritten signature in black ink, reading "Joe Laplante", written over a horizontal line.

Joseph N. Laplante
United States District Judge

Dated: September 30, 2009

cc: Steven M. Laticci, Esq.
Daniel E. Will, Esq.
Jonathan M. Shirley, Esq.
Leigh S. Willey, Esq.